

PRIVILEGE MOTION.

**Re. Arrest of Sri B. R. Sunthakar,
Member of the House.**

Mr. SPEAKER.—The Hon'ble Member Sri C. M. Arumugham has given notice of a motion which reads as follows :—

“ I desire to move a matter of breach of privilege under Rule 177 pertaining to the arrest of one of the Hon'ble Members of this House Shri B. R. Sunthakar, as the matter tells seriously on the privilege of the Hon'ble Member from attending this House and thereby preventing him intentionally from participating in the business of the Legislative Assembly.” The arrest of the Hon'ble Member Shri B. R. Sunthakar during the session of the Legislative Assembly has created a sense of alarm, frustration and the feelings of the members are severely strained. The arrest of Shri B. R. Sunthakar is in contravention to the article 194 of the Constitution of India.”

Article 194 of the Constitution is to the effect *inter alia* that until the State Legislature makes a law on the subject, the powers, privileges and immunities of the House and of its members and committees shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and committees at the commencement of the Constitution. In the House of Commons where the parliamentary privilege of freedom from arrest is of great antiquity, it has been clearly laid down from the very beginning that what amounts to a breach of privilege is arrest in civil proceedings and that arrest on a criminal charge is not a breach of privilege. These rulings of the House of Commons have been followed without exception in all the State Legislatures in India. This question was also the subject of examination by a Committee of Privileges of the old Mysore Legislative Assembly in 1953 when the Committee reported that arrest in circumstances as the one under consideration would not amount to a breach of privilege.

In the circumstances, I have to hold that no case for breach of privilege arises and the motion of Sri Arumugham cannot be accepted.

**Important Statements by Ministers
at Press Conferences.**

Mr. SPEAKER.—During the last session of the Assembly, on the 6th March 1958, Hon'ble Sri J. B. Mallaradhya raised a question about the desirability of Ministers making important statements in the House rather than at Press Conferences outside. He drew the attention of the House to a Press Conference held by the then Minister for Revenue on the 5th of March 1958 in regard to the revenue policy of the Government. He stated that in matters of this kind, the House should be first taken into confidence, particularly when the Assembly was in session. Both on that day and on subsequent days, several Hon'ble Members spoke with reference to this point. On the 7th of May, Hon'ble Sri M. P. Patil also spoke with reference to the point raised by Sri J. B. Mallaradhya. He stated that so far as the particular Press Conference was concerned it related to no new matter of policy but was in respect of matters which had been settled long before the Conference and that at the Conference he did not disclose anything that was new. I then stated that I would give my ruling later.

I have examined the point at great length and I find no instance where any convention has been asserted or any principle laid down that invariably all ministerial statements should be made in the House. It is desirable that as far as possible ministerial statements in respect of important matters involving a change in policy should be made in the House when the House is in session, since this will enable the matter to be brought to the notice of the Legislature, which ultimately controls the policy of the Government. On the 25th of May 1950, Mr. Ellis Smith asked the following question of the Acting Prime Minister :—